



PROUD  
TO BE  
**TOWN**



## General Data Protection Regulation Policy



### Key Information

<b>Title</b>	Harrogate Town General Data Protection Regulation (GDPR) Policy
<b>Prepared By</b>	Ericka Williams
<b>Approved By</b>	Dave Riley
<b>Date Effective From</b>	01/08/2023
<b>Version Number</b>	V2.00
<b>Review Frequency</b>	Yearly
<b>Next Review Date</b>	31/07/2024
<b>Contact</b>	erickawilliams@harrogatetownafc.com

### Revision History

<b>Version:</b>	<b>Date:</b>	<b>Summary of Changes:</b>	<b>Name:</b>	<b>Changes Marked:</b>
V1.70	30/09/2019	Josh Frazer	Josh Frazer	No
V2.00	25/07/2023	Change font, updated document control sheet, update contact(s), edited footer, numbering system, document preparer and contact	Ericka Williams	No

### Approvals: This document requires the following signed approvals

<b>Name/Title</b>	<b>Date</b>	<b>Version</b>
Dave Riley/ Operations Director	30/07/2021	V2.00

### Distribution: This document has been distributed to

<b>Name/Title</b>	<b>Department</b>	<b>Date of Issue</b>	<b>Version</b>
All HTAFC Staff	All Departments	01/08/2023	V2.00

### Linked Documentation: Documents that you have linked or referenced in the text of this document.

<b>Document Title</b>	<b>Document File Path</b>
Version Control Register	<a href="#">Harrogate Town AFC Policy VCR - Documents - All Documents (sharepoint.com)</a>
Harrogate Town AFC Website	<a href="https://www.harrogatetownafc.com/privacy-policy/">https://www.harrogatetownafc.com/privacy-policy/</a>
DPO email address	<a href="mailto:dataprotection@harrogatetownafc.com">dataprotection@harrogatetownafc.com</a> .



## Contents

1. Policy.....	4
2. PURPOSE.....	5
3. SCOPE.....	5
4. DEFINITIONS.....	5
5. YOUR GENERAL OBLIGATIONS.....	6
6. DATA PROTECTION PRINCIPLES.....	7
7. LAWFUL USE OF PERSONAL DATA.....	8
8. FAIR AND TRANSPARENT USE OF PERSONAL DATA – PRIVACY NOTICES.....	9
9. DATA QUALITY.....	10
10. RETENTION AND DESTRUCTION OF PERSONAL DATA.....	11
11. DATA SECURITY.....	11
12. DATA BREACH.....	12
13. APPOINTING CONTRACTORS, THIRD PARTIES OR SERVICE PROVIDERS WHO ACCESS HARROGATE TOWN'S PERSONAL DATA.....	13
14. RIGHTS OF INDIVIDUALS.....	14
15. MARKETING AND CONSENT.....	15
16. AUTOMATED DECISION MAKING AND PROFILING.....	15
17. DATA PROTECTION IMPACT ASSESSMENTS (DPIA).....	16
18. TRANSFERRING PERSONAL DATA TO A COUNTRY OUTSIDE THE EEA.....	17
19. RELATED POLICIES AND PROCEDURES.....	17
20. CONSEQUENCES OF BREACHES OF THIS POLICY.....	17
21. EXCEPTIONS.....	18



## 1. Policy

Harrogate Town's reputation, stability and growth are dependent on the way we manage and protect Personal Data. Protecting Personal Data and handling it properly and in accordance with Data Protection Laws is a key responsibility of everyone within Harrogate Town.

As an organisation that collects, stores and uses Personal Data about its employees, academy players, soccer camp attendees, customers and suppliers, Harrogate Town recognises that having controls around the collection, storage, use and destruction of Personal Data is important in order to comply with its obligations under Data Protection Laws including under Article 5 of the General Data Protection Regulation (Regulation (EU) 2016/679).

Harrogate Town understands that Children need particular protection in relation to their Personal Data as they may be less aware of the risks, consequences and safeguards involved. They may also not understand their rights in relation to the collection, storage and/or use of their Personal Data. We will therefore ensure that we put in place age appropriate protection for the Children's Personal Data we collect, store and/or use.

When a junior membership is acquired, Harrogate AFC will use the child's personal data to:

- Send a monthly newsletter.
- Competition updates.
- Invitations to members events.
- Vote for favourite player.
- Use date of birth to send a birthday card.
- Promote Matches.

Harrogate AFC keep children's personal data for as long as is needed to manage their membership. Harrogate Town AFC can be asked to delete this data at any time by contacting us at [dataprotection@harrogatetownafc.com](mailto:dataprotection@harrogatetownafc.com). A child can only sign up for junior membership themselves if they are 13 but if they are younger, a parent is required to sign up the child on their behalf. More information about how the Club uses personal information (or a child's information) and rights can be found at <https://www.harrogatetownafc.com/privacy-policy/>

Harrogate Town has implemented this Data Protection Policy to ensure all Personnel are aware of what they must do to ensure the correct and lawful treatment of Personal Data and in particular the Personal Data of Children.

Managers are responsible for ensuring that the Personnel they are responsible for (including new starters) are aware of and understand their obligations under this Policy. Harrogate Town may issue revisions of this Policy from time to time.

This Policy does not form part of any Personnel's contract of employment and Harrogate Town reserves the right to change this Policy at any time. All Personnel are obliged to comply with this Policy at all times.



## 2. PURPOSE

This Policy (and the other policies and documents referred to in it) sets out the basis on which Harrogate Town will collect, store and/or use Personal Data either where Harrogate Town collects it from Individuals itself, or where it is provided to Harrogate Town by third parties. It also sets out rules on how Personnel must handle Personal Data and, in particular, the Personal Data of Children.

## 3. SCOPE

This Policy applies to all Personnel who collect, store and/or use Personal Data and applies to all Personal Data stored electronically, in paper form, or otherwise.

## 4. DEFINITIONS

- 4.1. Children** – means any Individual under the age of 18.
- 4.2. Controller** – Any entity (e.g. company, organisation or person) that makes its own decisions about how it is going to collect, store and/or use Personal Data.

A Controller is responsible for compliance with Data Protection Laws. Examples of Personal Data for which Harrogate Town is the Controller of include academy players, soccer camp attendees, employee and customer details or information Harrogate Town collects relating to Individuals within corporate customers and suppliers. Wherever Harrogate Town decides what Personal Data it is going to collect and store and how it will use it, Harrogate Town is the Controller of that Personal Data.

- 4.3. Data Protection Laws** – GDPR, the Data Protection Act 2018 and the Privacy and Electronic Communication (EC Directive) Regulations 2003 (together with any amendment, consolidation or re-enactment), any legislation which has an equivalent purpose or effect in the EEA and/or the UK and any codes of conduct, orders, guidelines and approved certification schemes issued under any of the above or by a Supervisory Authority or judicial authority and/or the European Data Protection Board (or any successor authority).
- 4.4. EEA** – Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.
- 4.5. GDPR** – The General Data Protection Regulation (Regulation (EU) 2016/679).
- 4.6. Harrogate Town** – Harrogate Town AFC Limited (Company Number 02523873) whose registered office is at CNG Stadium, Harrogate, North Yorkshire, HG2 7SA.
- 4.7. ICO** – The Information Commissioner's Office which is the UK's data protection authority that issues guidance and codes of practice about Data Protection Laws and is responsible for enforcing Data Protection Laws in the UK and can impose fines for non-compliance.
- 4.8. Individuals** – Living individuals who can be identified, *directly or indirectly*, from information that Harrogate Town has. For example, an individual could be identified directly by name, or



indirectly by gender, job role and location if you can use this information to work out who they are. Individuals include employees, prospective customers, academy players, soccer camp attendees, enquirers, customers, individuals within Harrogate Town's customers and suppliers. Individuals also include partners in partnerships and sole traders.

**4.9. Managing Director** – Harrogate Town's Managing Director from time to time.

**4.10. Personal Data** – Any information about an Individual (see definition above) which identifies them or allows them to be identified in conjunction with other information that is held. It includes information of this type used in a business to business context.

Personal Data is defined very broadly and covers things such as name, address, email address (including email addresses of Individuals such as `firstname.surname@organisation.com`), IP address and also more sensitive types of data such as trade union membership, genetic data and religious beliefs. These more sensitive types of data are called "Special Categories of Personal Data" and are defined below. Special Categories of Personal Data are given extra protection by Data Protection Laws.

**4.11. Personnel** – Any Harrogate Town employee, worker or contractor who accesses any of Harrogate Town's Personal Data and will include employees, consultants, contractors, and temporary personnel hired to work on behalf of Harrogate Town.

**4.12. Processor** – A Processor is an Individual or a business, *outside Harrogate Town*, engaged by it to perform a service and as part of that service processes (e.g. gets access to or uses) Personal Data on behalf of Harrogate Town. Examples of Processors include outsourced HR services, cloud services and IT support providers.

**4.13. Special Categories of Personal Data** – Personal Data that reveals a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data (i.e. information about their inherited or acquired genetic characteristics), biometric data (i.e. information about their physical, physiological or behavioural characteristics such as facial images and fingerprints), physical or mental health, sexual life or sexual orientation and criminal record. Special Categories of Personal Data are subject to additional controls in comparison to ordinary Personal Data.

**4.14. Supervisory Authority** – The relevant national data protection authority.

## 5. YOUR GENERAL OBLIGATIONS

**5.1.** You must ensure that you keep confidential all Personal Data that you collect, store, use and come into contact with as part of your role working for Harrogate Town.

**5.2.** You must not release or disclose any Personal Data:

**5.2.1.** outside Harrogate Town; or



5.2.2. inside Harrogate Town to Personnel not authorised to access the Personal Data; unless you are doing it in compliance with a written general permission within your department to release the Personal Data or you have specific authorisation of the Managing Director. This includes on phone calls or in emails.

5.3. You must take all reasonable steps to ensure there is no unauthorised access to Personal Data whether by other Personnel who are not authorised to see such Personal Data or by people outside Harrogate Town.

## 6. DATA PROTECTION PRINCIPLES

The GDPR sets out six principles governing the collection, storage and/or use of Personal Data and all these must be fully complied by Harrogate Town and you.

6.1. The principles require Personal Data must be:

6.1.1. processed lawfully, fairly and in a transparent manner;

6.1.2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

6.1.3. adequate, relevant and limited to what is necessary for the purposes for which it is being processed;

6.1.4. accurate and kept up to date, meaning that every reasonable step must be taken to ensure that Personal Data that is inaccurate is erased or rectified as soon as possible;

6.1.5. kept for no longer than is necessary for the purposes for which it is being processed; and

6.1.6. processed in a manner that ensures appropriate security of the Personal Data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

6.2. These principles are considered in more detail in the sections below.

6.3. In addition to complying with the above requirements Harrogate Town also has to demonstrate in writing that it complies with them. Harrogate Town has a number of policies and procedures in place, including this Policy (and the documentation referred to in it) to ensure that Harrogate Town can demonstrate its compliance. Harrogate has referred to these in the sections below and they can all be found [Harrogate Town AFC Policy VCR - Documents - All Documents \(sharepoint.com\)](#). Compliance with these additional policies is as important as compliance with this Policy. If you have any questions regarding these policies, please ask the HR Manager or Operations Director.



## 7. LAWFUL USE OF PERSONAL DATA

**7.1** In order to collect, store and/or use Personal Data lawfully Harrogate Town needs to be able to show that it meets one of a number of legal grounds. For ordinary Personal Data, these legal grounds are as follows:

- 7.1.1.** the Individual has given consent to the use of their Personal Data for specific purposes (which in the case of Children must only be used where the Child is old enough to understand what it is we are asking them to consent to and where we are clear to what it is we are asking – where it is unclear whether the Child will understand this the Individual with parental responsibility should be asked for consent);
- 7.1.2.** the use of the Personal Data is necessary to perform a contract that the Individual is a party to or in order to take steps at the request of the Individual prior to entering into a contract with them. If you propose to enter into a contract with a Child you must get the approval of the Managing Director as this is a complex area;  
the use of the Personal Data is necessary to comply with our legal obligations;
- 7.1.3.** the use of the Personal Data is necessary to protect the Individual’s vital interests of those of another natural person;  
the use of the Personal Data is necessary to perform a task carried out in the public interest (which will not apply to Harrogate Town); or
- 7.1.4.** the use of the Personal Data is necessary for our legitimate interests, except where our interests are overridden by the interests or fundamental rights and freedoms of the Individual, in particular where those Individuals are Children. Where we propose to use legitimate interests in relation to the Personal Data of a Child we must ensure that we protect them from risks that they may not fully appreciate and from consequences that they may not understand. We will also identify appropriate safeguards for the use of their Personal Data.
- 7.1.5.** In addition when Harrogate Town collects, stores and/or uses Special Categories of Personal Data, Harrogate Town has to show that one of a number of additional conditions is met which are: the individual has given explicit consent to the use of their Personal Data for specified purposes (see comments above about the use of consent with Children);
- 7.1.6.** the use of the Personal Data is necessary to carry out our obligations and exercise our specific rights or those of the individual in the field of employment and social security and social protection law;  
the use of the Personal Data is necessary to protect the vital interests of the individual or of another natural person where the individual is physically or legally incapable of giving consent;
- 7.1.7.** the use of the Personal Data is carried out in the course of the legitimate activities of a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade-union aim;
- 7.1.8.** the use relates to Personal Data which are manifestly made public by the individual;
- 7.1.9.** the use of the Personal Data is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity; the use of the Personal Data is necessary for reasons of substantial public interest;





- 7.1.10.** the use of the Personal Data is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of an employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services;
- 7.1.11.** the use of the Personal Data is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices; or
- 7.1.12.** the use of the Personal Data is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.
- 7.1.13.** Harrogate Town will collect, store and/or use Personal Data relating to criminal offences and convictions where this is in accordance with EU, member state or UK Law.
- 7.1.14.** Harrogate Town has carefully assessed how it collects, stores and/or uses Personal Data and how it complies with the obligations set out in paragraphs 7.1, 7.1.5 and 7.1.13 and has recorded this on a record of its use of Personal Data. If Harrogate Town changes how it collects, stores and/or uses Personal Data, Harrogate Town will need to update this record and may also need to notify Individuals about the change. If you therefore intend to change how you collect, store and/or use Personal Data you must notify the Managing Director as soon as possible and in any event within 1 working day who will decide whether the change requires amendments to be made to the record and any other controls which need to apply.

## **8. FAIR AND TRANSPARENT USE OF PERSONAL DATA – PRIVACY NOTICES**

- 8.1.** We are required to provide full transparency about how we wish to use an Individual's Personal Data, as well as ensure that their Personal Data is only used in ways they would expect. This is particularly important in the case of Children. Where Harrogate Town collects Personal Data directly from Individuals, Harrogate Town will inform them about how Harrogate Town collects, stores and/or uses their Personal Data when it is collected. This is in a privacy notice. Harrogate Town has a number of privacy notices which apply to employees, candidates for employment, academy players and soccer camp attendees, suppliers and customers. Harrogate Town's privacy notices can be found on [Harrogate Town AFC Policy VCR - Documents - All Documents \(sharepoint.com\)](#) and in some cases on its website. Harrogate Town will ensure that any privacy notices intended for Children are child-appropriate and, as far as possible addressed directly to the relevant age group.
- 8.2.** If Harrogate Town receives Personal Data about an Individual from other sources, Harrogate Town will provide the Individual with the relevant privacy notice about how Harrogate Town will collect, store and/or use their Personal Data (see above). This will be provided as soon as reasonably possible and in any event within one month.



**8.2.1.** Where you are asked to send out a privacy notice as part of your role or by the Managing Director, you must ensure that it is sent out and that this is within any timescales set out in this Policy.

**8.3.** If Harrogate Town changes how it collects, stores and/or uses Personal Data, Harrogate Town may need to notify Individuals about the change. If you therefore intend to change how you collect, store and/or use Personal Data you must notify the Managing Director as soon as possible and in any event within 1 working day who will decide whether your intended change requires amendments to be made to the privacy notices and any other controls which need to apply.

## **9. DATA QUALITY**

**9.1.** Data Protection Laws require that Harrogate Town ensures that Personal Data held is accurate and kept up to date.

### **Accuracy and Relevance of Personal Data**

**9.2.** All Personnel that collect and record Personal Data must ensure that the Personal Data is recorded accurately and is kept up to date and must also ensure that they limit the collection and recording of Personal Data to that which is adequate, relevant and limited to what is necessary in relation to the purpose for which it is collected, stored and/or used.

### **Obligations Where Personal Data is obtained from Sources Outside Harrogate Town**

**9.3.** All Personnel that obtain Personal Data from sources outside Harrogate Town must take reasonable steps to ensure that the Personal Data is recorded accurately, up to date and limited to that which is adequate, relevant and necessary for the purpose for which it is collected, stored and used. This does not require you to independently check the Personal Data obtained. You must, however, ensure that you have contacted the Managing Director to ensure the Personal Data is obtained from a third party who has been approved by the Managing Director and that the legal requirements in the Data Protection Laws have been complied with.

### **Ongoing Housekeeping Obligations**

**9.4.** In order to maintain the quality of Personal Data, all Personnel that access Personal Data must ensure that they review, maintain and update it regularly to ensure that it remains accurate, up to date, adequate, relevant and limited to what is necessary for the purpose for which it is collected, stored and used. Please note that this does not apply to Personal Data which Harrogate Town must keep in its original form e.g. for legal reasons or that which is relevant to an investigation. Examples of what you should think about to appropriately maintain and update Personal Data include:

**9.4.1.** removing out of date records;

**9.4.2.** removing duplicate records and merging related records; and

**9.4.3.** updating records which are not correct.

### **Requests from Individuals to correct or delete Personal Data**



- 9.5. Harrogate Town recognises the importance of ensuring that Personal Data is amended, rectified, erased or its use restricted where this is appropriate under Data Protection Laws. Harrogate Town has a Rights of Individuals Procedure which set out how Harrogate Town responds to requests relating to these issues. Any request from an Individual for the amendment, rectification, erasure or restriction of the use of their Personal Data must be dealt with in accordance with the Rights of Individuals Procedure which works in conjunction with this Policy. This procedure is available on [Harrogate Town AFC Policy VCR - Documents - All Documents \(sharepoint.com\)](#). Harrogate Town acknowledges that it is important to deal with the rights of Individuals relating to Children appropriately, particularly the right of erasure. It should be clear to Children how to exercise their rights and be easy for them to do so.

## 10. RETENTION AND DESTRUCTION OF PERSONAL DATA

- 10.1. Data Protection Laws require that Harrogate Town does not keep Personal Data longer than is necessary for the purpose or purposes for which it collected it. We must regularly review the length of time we retain Personal Data on Individuals. Holding on to Personal Data only for the amount of time required will make it easier for us to manage the Personal Data we hold and provide Personal Data where it is requested.
- 10.2. Harrogate Town has assessed, by department within Harrogate Town, the types of Personal Data that it collects, stores and/or uses and the purposes it uses it for. The retention periods that Harrogate Town has set for the different Personal Data streams within Harrogate Town are set out in the Record Retention Schedule which is available on [Harrogate Town AFC Policy VCR - Documents - All Documents \(sharepoint.com\)](#). Please familiarise yourself with how long you may keep Personal Data.
- 10.3. If you feel that a particular piece of Personal Data needs to be kept for more or less time than the Record Retention Schedule referred to above, or if you have any questions about this Policy or how long Harrogate Town keeps Personal Data for, you should contact the Managing Director for guidance.

## 11. DATA SECURITY

- 11.1. Harrogate Town takes information security very seriously and Harrogate Town has security measures against unlawful or unauthorised processing of Personal Data and against the accidental loss of, or damage to Personal Data. Harrogate Town has in place procedures and technologies to maintain the security of all Personal Data from the point of collection to the point of destruction.
- 11.2. You must comply with Harrogate Town's security procedures in relation to information security and the security of Personal Data. Details of these can be obtained from the Managing Director.
- 11.3. Harrogate Town also takes the recovery of information very seriously and in the event of a security failure or data breach (see paragraph 12 below) you should follow the instructions of the Managing Director.



## 12. DATA BREACH

- 12.1. Whilst Harrogate Town takes information security very seriously, unfortunately, in today's environment, it is possible that a security breach could happen which may result in the unauthorised loss of, access to, deletion of or alteration of Personal Data.
- 12.2. Personal Data breach is defined very broadly and is effectively any failure to keep Personal Data secure, which leads to the accidental or unlawful loss (including loss of access to), destruction, alteration or unauthorised disclosure of Personal Data. Whilst most Personal Data breaches happen as a result of something done by a third party, they can also happen as a result of something Personnel within Harrogate Town do.
- 12.3. There are three main types of Personal Data breach which are as follows:
  - 12.3.1. **Confidentiality breach** – This is where there is an unauthorised or accidental disclosure of, or access to, Personal Data e.g. hacking, accessing internal systems that Personnel are not authorised to access, accessing Personal Data stored on a lost laptop, phone or other device, people outside Harrogate Town gaining access to Personal Data they have no right to access, putting the wrong letter in the wrong envelope, sending an email to the wrong person, or disclosing information over the telephone to the wrong person.
  - 12.3.2. **Availability breach** – This is where there is an accidental or unauthorised loss of access to, or destruction of Personal Data, e.g. loss of a memory stick, laptop or device where there is no back up or where the encryption key is lost, denial of service attack, infection of systems by ransomware, deleting Personal Data in error, loss of access to Personal Data stored on systems, inability to restore access to Personal Data from back up, or loss of an encryption key.
  - 12.3.3. **Integrity breach** – where there is an unauthorised or accidental alteration of Personal Data.
- 12.4. You must notify any potential Personal Data breach to the Managing Director, no matter how big or small and whether or not you think a breach has occurred or is likely to occur using the Personal Data Breach Notification Form which can be found on [ ]. You must notify the Managing Director immediately when you become aware of a potential Personal Data breach, even if outside of working hours.
- 12.5. You may be notified by a third party e.g. a supplier that accesses, collects, uses or stores Personal Data on Harrogate Town's behalf that they have had a breach that affects Harrogate Town's Personal Data. You must notify the Managing Director using the Personal Data Breach Notification Form immediately even if outside of working hours.
- 12.6. If the Personal Data breach involves the loss of a laptop, phone or other mobile device, please immediately notify it to the Managing Director using the Personal Data Breach Notification Form.
- 12.7. Any notification to the Managing Director under this section of the Policy must be done **immediately** and always within **24 hours**, even if outside of working hours.



- 12.8. A Personal Data breach will be managed by the Managing Director who will consider whether to seek external legal advice. Personnel may be asked to assist the Managing Director in investigating the Personal Data breach and must provide all co-operation and information required by the Managing Director.
- 12.9. Under Data Protection Laws, Harrogate Town *may* have to notify the ICO and also possibly the Individuals affected about the Personal Data breach. Notification of a Personal Data breach must be made to the ICO without undue delay and where feasible within **72 hours** of when Harrogate Town becomes aware of the breach. It is therefore imperative that you notify all Personal Data breaches to the Managing Director **immediately** and always within 24 hours. You **should not** notify a Personal Data breach to the ICO or to any Individual affected by yourself. Any notification will be done by or with the authority of the Managing Director.
- 12.10. All Personal Data breaches or potential Personal Data breaches will be recorded on an Internal Personal Data Breach Register maintained by the Managing Director.

### 13. APPOINTING CONTRACTORS, THIRD PARTIES OR SERVICE PROVIDERS WHO ACCESS HARROGATE TOWN'S PERSONAL DATA

- 13.1. If Harrogate Town appoints an Individual or a business, outside Harrogate Town, to perform a service and as part of that service they get access to or use Personal Data on behalf of Harrogate Town they will be a Processor of Harrogate Town's Personal Data. Data Protection Laws require that Harrogate Town only appoints them where Harrogate Town has carried out sufficient due diligence and has appropriate contracts in place.
- 13.2. The Managing Director will determine what due diligence must be done on a case by case basis. If you propose to appoint an Individual or a business, outside Harrogate Town, as a Processor of Harrogate Town's Personal Data you must immediately contact the Managing Director before they are appointed and follow their instruction as to what due diligence must be done. If you are uncertain about whether the Individual or business you are contracting with will be a Processor you must ask the Managing Director before proceeding.
- 13.3. In addition to carrying out appropriate due diligence, a Processor must be appointed on the basis of a written contract which contains sufficient guarantees to Harrogate Town to ensure that the Personal Data is kept confidential and secure, and is handled in a way which meets the obligations under Data Protection Laws. All contracts and terms and conditions with Processors must therefore be approved by the Managing Director before acceptance. The service must not begin until the contract or terms and conditions have been approved by the Managing Director.
- 13.4. Harrogate Town will monitor the Processor's ongoing compliance with the protections and guarantees given to Harrogate Town in accordance with Data Protection Laws. You must therefore follow the Managing Director's directions in relation to this.
- 13.5. Harrogate Town may share Personal Data with another company who would be considered a Controller where they have control over how they will use the Personal Data. If you intend to



share Harrogate Town's Personal Data with an Individual or business who may be a Controller, you must immediately notify the Managing Director and follow their direction in advance of sharing the Personal Data.

- 13.6.** If Harrogate Town shares Personal Data with another Controller or jointly decides what Personal Data is collected and how it is stored and/or used with another Controller, Harrogate Town will do so in accordance with Harrogate Town's Appointment of Contractors Procedure.

## **14. RIGHTS OF INDIVIDUALS**

- 14.1.** Harrogate Town will collect, store and/or use all Personal Data in accordance with the rights given to Individuals under Data Protection Laws, in particular their rights to:

**14.1.1.** request access to any Personal Data Harrogate Town holds about them;

**14.1.2.** have any inaccurate Personal Data Harrogate Town holds about them corrected;

**14.1.3.** have Personal Data erased in certain circumstances;

**14.1.4.** have the use of their Personal Data restricted, including preventing the use of their Personal Data for direct marketing purposes;

**14.1.5.** object to processing, including objecting to direct marketing or querying whether Harrogate Town has a legitimate interest;

**14.1.6.** have their Personal Data provided to them, in certain circumstances, in an electronic, commonly used format; and

**14.1.7.** withdraw consent to the use of their Personal Data.

- 14.2.** Harrogate Town has produced a Rights of Individuals Procedure that will be followed in the event that an Individual requests to exercise any of these rights. You must ensure that you follow our Rights of Individuals Procedure if you receive any requests from Individuals about their data protection rights. Copies of this document can be found on [ ].

- 14.3.** Harrogate Town will ensure that it allows Individuals to exercise their rights in accordance with Data Protection Laws. You must contact the Managing Director if you receive a request from an Individual to exercise any of the rights set out above. You must follow the instruction of the Managing Director in relation to the handling of these requests.

- 14.4.** Personnel should be aware that Children have the same rights as adults over their Personal Data and may exercise these rights themselves provided that they are competent to do so i.e. understand what they are doing. Harrogate Town acknowledges that it is important to deal with the rights of Individuals relating to Children appropriately, particularly the right of erasure. It should be clear to Children how to exercise their rights and be easy for them to do so.





## 15. MARKETING AND CONSENT

- 15.1. Under Data Protection Laws, direct marketing has a broad definition which extends to all promotional communications sent to a particular Individual (for example emails regarding upcoming matches, new merchandise available to customers, or soccer camp dates to parents).
- 15.2. Harrogate Town will sometimes contact Individuals to send them marketing or to promote Harrogate Town and its products and services. Harrogate Town will not send marketing to Children. Where Harrogate Town carries out any marketing to Individuals Data Protection Laws require that marketing is only done in a legally compliant manner. Harrogate Town markets to Individuals in accordance with Data Protection Laws based on their consent with customers' preferences around marketing and method of contact recorded on a preference centre.
- 15.3. Under Data Protection Laws, for consent to be valid it must meet strict requirements. Consent to marketing is therefore taken centrally by Harrogate Town. You must not send or knowingly allow marketing to be sent to Individuals who have not provided marketing consent. If for any reason you feel that consent is not appropriate in a particular situation, you must contact the Managing Director and get their authorisation before sending marketing without consent.
- 15.4. When an Individual has given consent to send them marketing, this consent will be valid for 2 years from the date they have given it. Harrogate Town will therefore contact Individuals who have given consent to send them marketing before the expiry of the 2 years to ensure they are still happy for Harrogate Town to contact them for marketing purposes.
- 15.5. Individuals have the right under Data Protection Laws to withdraw their consent at any time or the change their preferences. If an Individual withdraws their consent Harrogate Town will no longer be able to market to them. If you receive marketing preferences or withdrawal of consent to market you must notify the Marketing Campaign Manager immediately.
- 15.6. The profiling of Individuals (see below in paragraph 17 for details of what is profiling) is subject to controls under Data Protection Laws. Profiling in relation to sending marketing would happen, for example, where Harrogate Town monitors an Individual's use of Harrogate Town's website or their response to communications in order to be able to send them tailored and specific marketing. Harrogate Town has imposed controls on profiling as a business. You must inform the Managing Director immediately if you wish to carry out profiling for marketing purposes.
- 15.7. At present Harrogate Town does not market to Children, should Personnel decide that they would like to market to Children permission must be sought from the Managing Director who will decide if it is appropriate.
- 15.8. You should be aware that failure to comply with Data Protection Laws in relation to marketing is often the subject of fines or sanctions by the ICO. You must therefore consult the Managing Director if you have any questions or concerns about marketing.

## 16. AUTOMATED DECISION MAKING AND PROFILING

- 16.1. Under Data Protection Laws there are controls around profiling and automated decision making in relation to Individuals.



**Automated Decision Making** happens where Harrogate Town makes a decision about an Individual solely by automated means (without any human involvement) and the decision has legal or other significant effects; and

**Profiling** happens where Harrogate Town automatically uses Personal Data to evaluate certain things about an Individual.

- 16.2.** Harrogate Town does not currently carry out Automated Decision Making in relation to Individuals in the EEA or the UK. Harrogate Town does not profile Children, however it does carry out profiling in relation to tailoring marketing to adults. This is explained in our customer privacy notice and is done in accordance with Data Protection Laws.
- 16.3.** Before any Automated Decision Making or Profiling is carried out by Harrogate Town a risk assessment must be done as to whether this activity is in accordance with Data Protection Laws. This is done via a Data Protection Impact Assessment (DPIA) which is considered below.
- 16.4.** You must not carry out Automated Decision Making or Profiling in addition to that set out in our privacy notices without the approval of the Managing Director.

## **17. DATA PROTECTION IMPACT ASSESSMENTS (DPIA)**

- 17.1.** Where Harrogate Town is launching or proposing to adopt a new process, product or service which involves Personal Data (including where this is bought from a third party), Harrogate Town needs to consider whether it needs to carry out a risk impact assessment to ensure that its collection, storage and/or use of Personal Data is proportionate and in accordance with Data Protection Laws. This impact assessment is called a Data Protection Impact Assessment or DPIA. Harrogate Town needs to carry out a DPIA at an early stage in the process so that Harrogate Town can identify and remedy problems with the proposed new process, product or service can be identified and remedied at an early stage, reducing the associated costs and damage to reputation, which might otherwise occur.
- 17.2.** Examples of where a DPIA should be carried out include the following (please note that this list is not exhaustive):
  - 17.2.1.** Changing or adding to how Harrogate Town collects, stores and/or uses the Personal Data of Children;
  - 17.2.2.** installing new CCTV cameras/system;
  - 17.2.3.** profiling of customers;
  - 17.2.4.** profiling of academy attendees and players;
  - 17.2.5.** monitoring or profiling of staff;
  - 17.2.6.** automated decision making; and
  - 17.2.7.** additional uses of health data or Personal Data relating to criminal convictions and offences.





- 17.3. You must therefore notify the Managing Director of all new processes, products or services which you propose to adopt or to buy from third parties which involve Personal Data. You must not begin using Personal Data in any new process, project or service without obtaining approval by the Managing Director. You must co-operate with and complete all documentation required by the Managing Director.

## 18. TRANSFERRING PERSONAL DATA TO A COUNTRY OUTSIDE THE EEA

Data Protection Laws impose strict controls on Personal Data being transferred to other entities and Individuals who are based outside the EEA. For example, Harrogate Town uses Easy Diary who are based in the United States to help improve and manage its pitch hire service. If, therefore, you intend to transfer Personal Data in this way you must notify the Managing Director before it is done and follow their direction so as to ensure that the transfer is compliant with Data Protection Laws.

## 19. RELATED POLICIES AND PROCEDURES

In addition to this Policy there are also the following related policies, procedures and privacy notices.

- 19.1. **Appointment of Contractors Procedure:** This procedure explains how Contractors that collect, store and use Harrogate Town's Personal Data are to be appointed.
- 19.2. **CCTV and Biometrics Policy:** This policy identifies the uses of CCTV and Biometric technology at Harrogate Town and how to handle requests for copies of records.
- 19.3. **Cookie Policy:** This policy sets out the cookies Harrogate Town uses on its website.
- 19.4. **Data Breach Notification Procedure:** This procedure explains why and how Personnel must report actual and suspected Personal Data breaches (including near misses).
- 19.5. **DPIA Procedure:** This procedure implements Harrogate Town's process to identify, assess and mitigate or minimise privacy risks with activities involving the collection, storage and/or use of Personal Data.
- 19.6. **Privacy Notices:** Our Privacy Notices are available on [ ] and the Harrogate Town website to inform all our Personnel, customers and other interested Individuals whose Personal Data we process, the types of Personal Data we collect and how we will use and/or share the Personal Data Individuals provides to us together with their rights in relation to their Personal Data including subject access rights.
- 19.7. **Rights Of Individuals Procedure:** This procedure sets out how we handle any request we receive.

## 20. CONSEQUENCES OF BREACHES OF THIS POLICY

Breach of this Policy, concealing breaches or concealing or falsifying related facts may result in sanctions or disciplinary action taken against Personnel. This may include termination of employment. In some cases, Harrogate Town may report breaches to law enforcement authorities. Any Personnel who are aware of a breach of this Policy must contact the Data Protection Officer as soon as possible (see above for contact details).



## 21. EXCEPTIONS

Exceptions to this Policy must be made in writing by the Data Protection Officer following any appropriate escalation to the Harrogate Town Directors. Failure to enforce this Policy at any time does not constitute consent.